

**ENTERED**

October 04, 2023

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

THE WOODLANDS PRIDE, INC., §  
ABILENE PRIDE ALLIANCE, §  
EXTRAGRAMS LLC., 360 §  
QUEEN ENTERTAINMENT LLC., §  
BRIGITTE BANDIT, §

Plaintiffs, §

v. §

Civil Action No. H-23-2847

WARREN KENNETH PAXTON, in §  
an official capacity as Attorney §  
General of Texas, MONTGOMERY §  
COUNTY, BRETT LIGON, in an §  
official capacity, CITY OF §  
ABILENE, TAYLOR COUNTY, §  
JAMES HICKS, in an official §  
capacity, DELIA GARZA, in an §  
official capacity, JOE D. §  
GONZALES, in an official capacity, §

Defendants. §

ORDER

Pending before the Court is Defendant City of Abilene's Motion to Dismiss for Lack of Subject-Matter Jurisdiction or, Alternatively Failure to State a Claim (Document No. 42), County Defendants' Motion to Dismiss Plaintiffs' Original Complaint and Response to Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction (Document No. 49), Defendant Colmenero's Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) and Response to Plaintiffs' Motion for

Temporary Restraining Order and Preliminary Injunction (Document No. 52)<sup>1</sup>, and Plaintiffs' Motion for Leave to File Excess Pages (Document No. 69).<sup>2</sup> Having considered the motions, submissions, and applicable law, the Court determines the Plaintiffs motion for leave should be granted and all other motions should be denied.

On September 26, 2023, the Court declared S.B. 12 unconstitutional and permanently enjoined S.B. 12 from being enforced.<sup>3</sup> The Court concluded that all Defendants were proper parties to the current suit. Further, the Court's order and declaration that S.B. 12 as written is unconstitutional render many of the motions pending moot.

Accordingly, the Court

**ORDERS** that Defendant City of Abilene's Motion to Dismiss for Lack of Subject-Matter Jurisdiction or, Alternatively Failure to State a Claim (Document No. 42) is **DENIED AS MOOT**. The Court further

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<sup>1</sup> The suite originally named Angela Colmenero in her official capacity as Interim Attorney General. The Case was redesignated to reflect that Warren Kenneth Paxton had been reinstated as the Attorney General of Texas.

<sup>2</sup> The Court notes it received multiple motions to file excess pages from all parties. No party was ever denied leave to file excess pages. To ensure the record is complete, the motion is granted to reflect that the excess pages were considered by the Court.

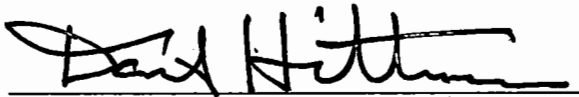
<sup>3</sup> *Finding of Fact and Conclusion of Law and Order of Permanent Injunction*, Document No. 94 at 1-56.

**ORDERS** that County Defendants' Motion to Dismiss Plaintiffs' Original Complaint and Response to Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction (Document No. 49) is **DENIED AS MOOT**. The Court further

**ORDERS** that Defendant Colmenero's Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) and Response to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction (Document No. 52) is **DENIED AS MOOT**. The Court further

**ORDERS** that Plaintiffs' Motion for Leave to File Excess Pages (Document No. 69) is **GRANTED**.

SIGNED at Houston, Texas, on this 3 day of October, 2023.

  
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DAVID HITTNER  
United States District Judge